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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 BRIAN K. JOHNSON,
12 Plaintiff,

13 v.

14 ELDON VAIL, *et al.*,
15 Defendants.

Case No. C08-5654FDB

ORDER DENYING PLAINTIFF'S
MOTION FOR DEFAULT

16 This matter comes before the court on plaintiff's motion for default, (Doc. 7). The Court, having
17 reviewed plaintiff's request and motion for default, the Report and Recommendation of Judge J. Kelley
18 Arnold, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- 19 (1) The Court adopts the Report and Recommendation;
20 (2) Plaintiff's motion for default is **DENIED**; and
21 (3) The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendants, and
22 to Judge J. Kelley Arnold.

23 DATED this 23rd day of February 2009.

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26 FRANKLIN D. BURGESS
27 UNITED STATES DISTRICT JUDGE
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